

U.S. Patent Appln. No. 09/919,391
Amendment Dated May 24, 2004
Reply to Office Action of Feb, 23, 2004
Docket No. BOC9-2000-0084 (219)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated February 23, 2004 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraph 1 of the Office Action, claim 1 has been rejected under 35 U.S.C. § 112. The Examiner has indicated that the limitation "identification" in line 4 of claim 1 is not supported by sufficient antecedent basis. While Applicants believe "identification", in reference to the identifying step of claim 1, is adequately supported, claims 1 and 9 have been amended to recite "said identifying step". Accordingly, withdrawal of the 35 U.S.C. § 112 rejection with respect to claim 1 is respectfully requested.

In paragraph 2, the claims 1-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,818,920 to Rignell, *et al* (Rignell). Claims 1, 3, 4, 6, 7, 8, 9, 11, 12, 14, and 15 have amended to clarify that while the present invention can process telephone calls, another aspect of the present invention can include sending mobile, non-voice messages such as text messages. These mobile non-voice messages can be selectively sent or terminated according to information local to the receiving handheld device. Support for these amendments can be found in FIG. 1 and at page 11, lines 14-18 of the Applicants' specification, where it is indicated that a call can be a data call or a text based message to be displayed upon a personal communication device. As such, no new matter has been added.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. The Applicants have invented a method, system, and apparatus for providing call recipient local information for pervasive communication devices. An originating subscriber can attempt to send a message through to a receiving subscriber. Prior to sending the message, for example a mobile, non-voice message such as a text message, the current time at the receiving subscriber location can be determined. The originating subscriber will be notified of the time at the subscriber's location. Based on the time at the subscriber's location, the originating subscriber can decide whether the message should be sent. For example, upon notifying the originating subscriber of the recipient's local time, the system can provide a prompt that allows the originating subscriber to allow the message to be sent or to defer sending the message.

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Turning to the rejections on the art, claims 1-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rignell. Rignell discloses a system for preventing calls in a telecommunications network from being connected during specified periods of time. For example, when calls to a desired communication terminal have been forwarded to a new communication terminal in a new time zone and the subscriber at the calling communication terminal is unaware of the local time of the new communication terminal, confirmation from the calling communication terminal can be obtained prior to establishing the call.

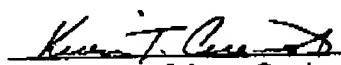
Significantly, while Rignell discloses a system for regulating when telephone calls may or may not be established, Rignell does not teach or suggest a system that can be used for non-voice communications. That is, the system taught by Rignell is intended to work with voice communications. By comparison, the present invention can be used with non-voice communications such as text messages or other data messages which are not voice-related.

As Rignell does not teach or suggest the Applicants' invention as claimed, withdrawal of the 35 U.S.C. § 102(b) rejection with respect to claims 1-15 is respectfully requested.

The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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